

An abbreviated rule-making process when there are no significant impacts on the human or physical environment, that integrates the public comment period and the development phases into the same Council meeting schedule, with the ability to publish the adjustment as a final rule, thereby eliminating a second public comment period. The scope of the action must fall within the existing goals and objectives of the management plan and types of measures already approved in an FMP for the same fishery. The framework process requires at least two Council meetings. The public may comment during either meeting. There is no mandatory timetable or “clock” for NMFS approval of a framework adjustment, thus overall implementation can be typically about one year including the Council development phase.

Utilized traditionally to clarify or correct regulations when changes are needed for the regulation to achieve its original intent. For illustration, if a fishing vessel develops a device for constricting the gear minimum mesh openings of a net, then a technical amendment may be used to prohibit that device in order to alleviate prohibited by-catch problems. These may be implemented with or without a public comment period. And, they may be implemented relatively quickly but there is no fixed time period within which NMFS must decide on approval, as a consequence implementation can be slow.

The interim action allows measures to be prevented to reduce overfishing while an FMP or other action is developed which can take a much longer time. If a Council finds that interim measures are needed to reduce overfishing for any fishery within its jurisdiction, whether or not a fishery management plan exists for such a fishery, it may ask the Secretary of Commerce to implement interim measures or emergency actions. Both will remain in effect for no more than 180 days. They may be extended for no more than 180 days, if the public has had an opportunity for comment on the measures. For extension of a Council-initiated interim action, the Council must be actively preparing an FMP, amendment or regulations to address the emergency or overfishing, (i.e. National Standard I permanently). The situation can result from uncertainty in stock assessments and the best available science at the time.

To develop and submit amendments usually takes one year to 18 months. It may or might not take at least another six months for approval implementation depending on the scope and complexity of the measures. It may or might not require an Environmental Impact Statement (EIS) or a Supplemental Environmental Impact Statement (SEIS) under NEPA. An EIS or SEIS requirement adds about 2 months to the amendment development process.

Emergency actions shorten the time it takes for implementation because an emergency situation is a justification for waiving prior public input. Emergency (and interim) actions must comply with the same laws that apply to FMPs and amendments, although, documents may be prepared after the action is implemented, if “circumstances” warrant.

An FMP basically identifies the management unit (the species, fish stocks, and geographical range of the management measures), the management goals, and the measures, regulations, and objectives needed to achieve the FMP. The fishery (which can be a group of stocks or species) is distinguished from other fisheries in terms of biology, area or method of catch. FMPs typically take 18 months to several years to develop and more than one year or more for NMFS review, approval and implementation. Can have two separate public comment periods prior to publication of final rule in the Federal Register. FMPs, and all subsequent regulatory adjustments must meet the National Standards and Required Provisions of the Magnuson-Stevens Fishery Management and Conservation Act as amended.

Most recently this was discussed under the NEFMC Amendment I to the Herring FMP presented March 23rd, 2004 in Gloucester, Massachusetts. There, it was associated with total allowable catch (TAC) and incidental catch alternatives and options as a “prelude” and simplification of the Herring FMP amendment (see earlier) process. It was described as being similar to the framework adjustment process with likely necessitating two Council meetings and at least one Plan Development Committee/Advisory Panel meeting. Thus, in general, a specification becomes a framework. It also should be noted that there are several jurisdictional precouncil meetings that employ individuals expertise, e.g., the Herring Committee and the Herring Advisory Panel as well as the “SSC”, etc.

